

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIAHANN HERNANDEZ,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

Docket No.:

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Defendant, Target Corporation (“Target”), for the removal of this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, respectfully shows this Honorable Court:

FIRST: Target is the defendant in a civil action brought against it in the Supreme Court of the State of New York, County of Bronx, entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

DIAHANN HERNANDEZ,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

Index No.: 801167/2022E

SECOND: A copy of the Summons and Verified Complaint in this action is annexed hereto as Exhibit A. A copy of Target's Verified Answer is annexed hereto as Exhibit B. These exhibits constitute all pleadings and orders served upon any party in this action.

THIRD: Plaintiff recently served Target with her Verified Bill of Particulars and Response to Target's Combined Discovery demands, both of which are dated April 22, 2022. Target received these discovery responses on May 10, 2022. As such, less than thirty (30) days have passed since receipt. Copies of Plaintiff's Verified Bill of Particulars and response to Combined Discovery Demands are attached hereto at Exhibit C and Exhibit D, respectively.

FOURTH: In her Verified Bill of Particulars, Plaintiff alleges that she sustained the following injuries as a result of the subject incident: (a) tear at the base of the superior labrum of the left hip, with lateral attenuation and ossification, requiring an intraarticular injection; (b) cervical spine disc herniations at C3-C4 and C4-C5 and disc bulge at C5-C6, requiring an epidural steroid injection; (c) lumbar spine disc bulges at L1-L2 through L3-L4 and disc herniation at L4-L5, requiring an epidural steroid injection; d) painful and restricted range of motion of the left shoulder; and (e) other injuries including head trauma, post-traumatic headaches, migraines, dizziness, chronic fatigue, anxiety, depression, and hyperlipidemia. Exhibit C, at ¶ 9.

FIFTH: In addition to the foregoing injuries, Plaintiff's Verified Bill of Particulars alleges over \$37,000.00 in medical expenses, to date, as well as seven (7) additional medical providers that provided medical treatment to Plaintiff with the amount of expenses for each of those providers to be served at a later date. Exhibit C, at ¶ 15. Moreover, attached to Plaintiff's Response to Target's Combined Discovery Demands, Plaintiff attached copies of bills and liens totaling approximately \$50,000.00. See, Exhibit D. Finally, Target served Plaintiff with a Demand

Pursuant to CPLR § 3017(c), which demands that Plaintiff provide Target with the total damages to which plaintiff claims to be entitled. A copy of Target's Demand Pursuant to CPLR § 3017(c) is attached hereto at Exhibit E. However, Plaintiff has failed to respond to this demand.

SIXTH: Plaintiff's various discovery responses indicate that Plaintiff has incurred at least \$50,000.00 in medical expenses (including bills and liens) to date, and identifies seven (7) additional medical providers whose expenses have not yet been provided to Target. Accordingly, it is clear that the amount of controversy in this matter exceeds \$75,000.00 exclusive of interests and costs.

SEVENTH: This action is one over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332, and is one which may be removed to this Court by Defendant, Target, pursuant to the provisions of Title 28 United States Code, Section 1441, in that, it is a civil action brought in a Supreme Court against a foreign corporation whose principal place of business is outside of the State of New York, by a citizen of the State of New York, with the amount in controversy exceeding the sum or value of \$75,000.00, exclusive of interest and costs.

WHEREFORE, the defendant, Target, prays that the above action now pending against it in the Supreme Court of the State of New York, County of Bronx, be removed from there to this Court.

Dated: New York, New York
May 19, 2022

CONNELL FOLEY LLP

By: 

MICHAEL J. CROWLEY
SIERRA N. KRESIN

Attorneys for Defendant

TARGET CORPORATION

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